

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

IN RE: GERBER PRODUCTS COMPANY
HEAVY METALS BABY FOOD
LITIGATION

Master File No. 1:21-cv-00269 (MSN/JFA)

This Document Relates to ALL Cases

**GERBER PRODUCTS COMPANY’S RESPONSE TO
PLAINTIFFS’ MOTION TO SEAL**

Defendant Gerber Products Company (“Gerber”) submits this response to Plaintiffs’ Motion to Seal dated August 26, 2022 (ECF No. 163):

1. Plaintiffs moved to seal the contents of Exhibit A to their Motion to Compel Nestlé Documents, Custodians, and Substantial Completion Date and redact any reference to that material in their memorandum in support of the motion (ECF No. 162), which Gerber previously designated as “Confidential” and “Highly Confidential” pursuant to the Stipulated Protective Order entered by this Court (ECF No. 131).

2. Exhibit A consists of material Gerber produced to the U.S. House Subcommittee on Economic and Consumer Policy (“Subcommittee”) on December 19, 2019. It is Gerber’s understanding that, notwithstanding the confidential and sensitive nature of the material, and the Subcommittee’s agreement to maintain the confidentiality of the material, the Subcommittee published in the public domain the material included in Exhibit A.

3. Based on the foregoing, Gerber withdraws its designation of the material included in Exhibit A as “Confidential” and “Highly Confidential” and agrees to proceed without their contents remaining under seal or redacted in Plaintiffs’ memorandum of law.

Dated: September 1, 2022

Respectfully submitted,

WHITE & CASE LLP

By: /s/ Kathryn J. Mims

Kathryn J. Mims (Va. 81486)

WHITE & CASE LLP

701 Thirteenth Street, NW

Washington, DC 20005

T: (202) 626-3704

F: (202) 639-9355

kmims@whitecase.com

Bryan A. Merryman

(admitted *pro hac vice*)

WHITE & CASE LLP

555 South Flower Street

Suite 2700

T: (213) 620-7700

F: (213) 452-2329

Los Angeles, CA 90071

bmerryman@whitecase.com

Kimberly A. Havlin

(admitted *pro hac vice*)

WHITE & CASE LLP

1221 Avenue of the Americas

New York, N.Y. 10020

T: (212) 819-8200

F: (212) 354-8113

kim.havlin@whitecase.com

Geoffrey W. Castello

KELLEY DRYE & WARREN LLP

One Jefferson Road, 2nd Floor

Parsippany, NJ 07054

Tel: (973) 503-5922

Fax: (973) 503-5950

gcastello@kelleydrye.com

Attorneys for Defendant

Gerber Products Company

CERTIFICATE OF SERVICE

I hereby certify that on September 1, 2022, I caused a copy of the foregoing **GERBER PRODUCTS COMPANY'S RESPONSE TO PLAINTIFFS' MOTION TO SEAL** to be filed electronically with the Clerk of the Court via the Court's ECF system, which will send notification of such filing to all counsel of record.

By: /s/ Kathryn J. Mims
Kathryn J. Mims (Va. 81486)
WHITE & CASE LLP
701 Thirteenth Street, NW
Washington, DC 20005
T: (202) 626-3704
F: (202) 639-9355
kmims@whitecase.com

*Attorneys for Defendant
Gerber Products Company*